IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
S.B. CIVIL WRIT PETITION NO.9841/07
Mahila Dugdh Utpadak Sahakari Samiti Ltd.
Vs.
State of Raj. & Ors.

Date of order : 7/12/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Rajesh Moondia for the petitioner.

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This writ petition has been filed with the grievance that respondent no.4 Dugdh Sankal Kendra, Chhota Pana Ki Dhani, Dudhwa Marg, Vijay Nagar, Palsana be directed not to operate from its present location, which is within the distance of 1 kms from the petitioner-Mahila Dugdh Utpadak Sahakari Samiti Ltd. who is also engaged in milk collection. Learned counsel argued that in spite of the fact that the petitioner has made

several representations to the Managing Director, Sikar and Jhunjhunu Dugdh Utpadak Sahakari Sangh, but no action has been taken so far. Learned counsel also invited attention of the Court towards the order dated 21.9.07 passed by the Managing Director for closer of the respondent no.4, but it has not been implemented. Though the learned counsel could not point out any rule which creates any impediment in the functioning of the respondent no.4 from its present location, but on the basis of the documents that have been produced especially Annexure-2 dated 21.9.07, it appears that same endorsement has been made by Managing Director, Sikar and Jhunjhunu Dugdh Utpadak Sahakari Sangh, Palsana.

In the facts of the case, in spite

of directly entertaining the writ petition, I set the petitioner at liberty to again make a fresh representation to Managing Director, Sikar and Jhunjhunu Dugdh Utpadak Sahakari Sangh, Palsana, who shall consider the same and do the needful as warranted by law. The Managing Director shall examine whether there is any rule which requires only one milk collection centre to operate within the periphery of one km. and pass necessary order in accordance with law.

(MOHAMMAD RAFIQ), J.

RS/